Uitgeverij G. A. van Oorschot
Herengracht 613
1017 CE Amsterdam

Office of the Clerk
J. Michael McMahon
U.S. District Court for the Southern District of New York
500 Pearl Street
New York, New York 10007
UNITED STATES OF AMERICA

re: present and future rights on all
works with the isbn prefix 97890282

Amsterdam, Netherlands, august 29th 2009

Dear Mr. McMahon,

On behalf of both my publishing company and all the authors and translators that it represents, I make the following objections and comments to the Google Book Settlement.

1. According to the settlement Google will initially classify a book as 'commercially available' if Google determines that the rightsholder, or the rightsholder's designated agent is currently offering the book for sale through one or more then-customary channels of trade in the United States. I object to this very limited definition of 'commercially available'. As far as exclusive rights are concerned, the rightsholder should be the one who can determine whether a book is still commercially available or not in the first place, nót Google or anyone else.

2. Of course in the internet-era all this is cross-border matter. Therefore non US-American rightsholders should be involved in the settlement, and their channels of trade should explicitly have been taken into account as well. If this won't happen, we will be obliged to remove all our books and inserts from the Google database and from all servers or sources from which Google or the participating libraries could make any uses.

3. The management of bibliographic and rights information on the website of the Google Book Settlement leads to practical problems. For example relations between principal

telefoon +31 (0)20 623 14 84
fax +31 (0)20 625 40 83
bankrekening 69 74 64 741
ING Bank, Amsterdam
KvK-nummer 33246360
Uitgeverij G. A. van Oorschot B.V.

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works and derivate works (e.g. translations, new editions etc.) seem not to be tracked at the moment. Working with the current Google database costs a lot of time (especially if you have a lot of titles to claim) and raises a lot of questions.

4. The settlement and its definitions raises a lot of questions. We would prefer to have an information meeting in which the settlement and the legal consequences are explained and clarified by (representatives of) the parties that have reached the agreement and in which will be enough time for asking and answering questions.

5. Suppose that any individual has ever published the smallest snippet of text in a time when another individual did not even exist. Enter the latter and he now simply states that, based on his own defintion of what 'commercially available' means, he has the right to publish that snippet without having to first ask the righstholder (left alone: without even any preliminary research whether he is alive and retracebale). It is my strong conviction that the settlement itself allows Google to get away with this deliberately executed form of 'fait accompli' robber-capitalism.

6. I happen to have known an author who deliberately kept once published works out of any future type of commercially availability for whatever reason he thought fit, once these rights had returned to him. The settlement also unrightfully denies this type of principal right.

We therefore retain all rights we presently and in the future hold to all our works.

Yours sincerely,

W.J. van Oorschot
director

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ING Bank, Amsterdam
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